

**REMARKS**

In the Action, claims 13-16, 25 and 26 are rejected, claims 17 and 18 are allowed, and claim 19 is objected to as depending from a rejected base claim but indicated as being allowable if rewritten in independent form.

In response, independent claims 13 and 25 are amended, and new claim 27 is added.

More specifically, claims 13 and 25 are amended to delete the reference to the R<sub>2</sub> hydrocarbon chain being branched and the reference to the pharmaceutically acceptable excipient being for nutritional use. As amended, claims 13 and 25 are directed to the composition where R<sub>2</sub> is a linear hydrocarbon chain having 8 to 22 carbon atoms.

New claim 27 is added to depend from claim 13 to recite that the R<sub>2</sub> group is a linear hydrocarbon chain having 8 to 22 carbon atoms which is saturated or unsaturated having one ethylenic double bond.

In view of these amendments and the following comments, reconsideration and allowance are requested.

**Rejection of Claims 25 and 26**

Claims 25 and 26 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully submit that the claims are enable by the specification to one of ordinary skill in the art. The claimed method is enabled by the specification such that one skilled in the art would have a reasonable expectation of success in practicing the claimed method. The specification discloses the compounds of the invention and the methods of preparing the compounds as well as methods of using the compounds. The activity of the compounds for the treatment of hypercholesterolemia is disclosed such as, for example, page 7 of the specification. This passage discloses that the compounds of the invention have improved activity compared to the prior compounds. Thus, the claims are submitted to be enabled by the specification as filed.

### **Rejection of Claims 13-16**

Claims 13-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by the article by Murakami et al.

Murakami et al. does not disclose the claimed composition or the compounds of the formula of claims 1 and 25 as amended. Murakami et al. does not disclose compounds of the claimed formula where R<sub>2</sub> is a linear hydrocarbon chain having 8 to 22 carbon atoms. Accordingly, claims 13-16 as amended are not anticipated by Murakami et al.

### **Rejection of Claims 13-15**

Claims 13-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 58-144317.

Claims 13-15 as amended are directed to the pharmaceutical composition of the claimed formula where R<sub>2</sub> is a linear hydrocarbon chain having from 8 to 22 carbon atoms. JP '317 is specific to a branched hydrocarbon compound. As shown in the Abstract of JP '317, the repeating unit of the compound includes a branched chain such that multiple branches are contained within the compound. JP '317 appears to be very specific to the branched chain and does not disclose or suggest the linear hydrocarbon as in the claimed invention. Accordingly, claims 13-15 are not anticipated by JP '317.

In view of these amendments and the above comments, reconsideration and allowance  
are requested.

Respectfully submitted,

  
\_\_\_\_\_  
Garrett V. Davis  
Reg. No. 32,023

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076

Dated: July 27, 2009